

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the Office Action dated May 8, 2006, the Examiner rejected claims 2-7, 9-13, and 15-21, under 35 U.S.C. §112, ¶2, as allegedly being indefinite; and rejected claims 1-2, under 35 U.S.C. §102(b), as allegedly being anticipated by Butler '345 (U.S. Patent No. 6,529,345); rejected claims 4-19, under U.S.C. §103(a), as allegedly being unpatentable over Butler '345 in view of Takekado '938 (JP 2003085938); and rejected claims 20-21, under U.S.C. §103(a), as allegedly being unpatentable over Butler '345 in view of Takekado '938 and Hirasaka '375 (U.S. Patent Pub. No. 2002/0044375).

By this Amendment, claims 1-4, 6-7, and 14-18 have been amended to provide a clearer presentation of the claimed subject matter and claims 8-13 and 19 have been cancelled without prejudice or disclaimer. Applicant submits that no new matter has been introduced.

Applicant further submits that the changes to the claims, render the indefiniteness rejections moot. Accordingly, the immediate withdrawal of the §112, ¶2 rejections of claims 2-7, 9-13, and 15-21 is respectfully requested.

Applicant respectfully traverses the prior art rejections, under 35 U.S.C. §§102(b),103(a), for the following reasons:

I. Prior Art Rejections Under §§102(b), 103(a).

As indicated above, amended claim 1 now positively recites, *inter alia*, a cover that includes a first arcuate stepped portion opposing an outer periphery of the disc, a second arcuate stepped portion located closer to the disc than the first stepped portion, a third arcuate stepped portion located closer to the disc than the second stepped portion, such that the first, second, and third arcuate stepped portions are formed concentric with the disc.

These features are amply supported by the embodiments disclosed in the written description. For example, the disclosed embodiments provide that the raised portion 50 comprising the substantially circular stepped portion 54 and the three arcuate stepped portions 51 to 53 provided around the stepped portion 54 *enhances the rigidity of the top*

cover 15, thereby suppressing distortion of the top cover when an external force is applied thereto. This imparts sufficient rigidity to the HDD 1 and hence enables the HDD 1 to be mounted in a portable device, such as a notebook PC. This also prevents the top cover 15 from contacting the internal components of the HDD 1, thereby preventing the previously stated occurrence of dust, damage of the disc 12, excessive load on the motor, etc. As a result, the reliability of the HDD 1 can be enhanced. (See, Original Specification: page 11, line 5 – page 14, line 27)(*emphasis added*).

In contrast to the Examiner's assertions, none of the asserted references, whether taken alone or in reasonable combination, teach each and every element of claim 1, including the features identified above. In particular, the primary reference, Butler '345, is directed to a disk drive configured to dampen *acoustic noise*. (See, Butler '345: col. 1, lines 9-10; col. 2, lines 7-10). Butler '345 discloses a disk drive 116 with a base 123 and a cover attached to the base 123 to form a head disk assembly chamber. The cover comprises an inner layer 124 having a depression 126, the depression 126 defining a convex surface and a concave surface, an outer layer 128 attached opposite the concave surface to the inner layer 124, the inner layer 124 and the outer layer 128 thereby defining walls of a cavity. The cover further comprises a damping medium 130 disposed within the cavity, whereby the inner layer 124, the outer layer 128, and the damping medium 130 form a multi-layer noise-damping sandwich which reduces noise emitted by the disk drive 116. (See, Butler '345: col. 3, lines 7-21; FIG. 2). Butler '345 further discloses a peripheral bead 132 for aligning the outer layer 128 to the inner layer 124. (See, Butler '345: col. 3, lines 25-28; FIG. 2).

With this said, Butler '345 does not, in any way, disclose or suggest enhancing the rigidity of the cover to suppress distortion of the cover by configuring the shape of the cover. In so doing, Butler '345 clearly fails to remotely suggest that the first, second, and third arcuate stepped portions are formed concentric with the disc, as required by claim 1. For example, the only arcuate stepped portion disclosed by Butler '345 as being concentric with the disk is depression 126. In addition, peripheral bead 132, alleged by the Examiner as corresponding to the claimed first arcuate stepped portion, is clearly not concentric with the disk.

Moreover, none of the remaining references are capable of curing the deficiencies of Butler '345 identified above, much less teach the entire combination of claim elements in their own right. In particular, Takekado '938 only discloses two arcuate stepped portions 46 and 48

that are of the same height and are concentric with the disk. Takekado '938 also discloses a substantially circular stepped portion C. (See, Takekado '938: Abstract; FIG. 1). Similarly, Hirasaka '375 appears to only disclose a cover with a single circular well. (See, Hirasaka '375: FIG. 3). As such, neither Takekado '938 nor Hirasaka '375 remotely teach or suggest a first, second, and third arcuate stepped portions that are formed concentric with the disc, as required by claim 1.

For at least these reasons, Applicant submits that none of the asserted references, whether taken alone or in reasonable combination, teach each and every element of claim 1. Accordingly, the immediate withdrawal of the prior art rejection of claim 1 is respectfully requested. In addition, because claims 2-7 depend from claim 1, either directly or indirectly, claims 2-7 are patentable at least by virtue of dependency as well as for their additional recitations and the immediate withdrawal of the prior art rejections of claims 2-7 is also requested.

In addition, because independent claim 14 recites features that are similar to the patentable features of claim 1, claim 14 is patentable at least for the reasons given regarding claim 1. And, because claims 15-18 and 20-21 depend from claim 1, either directly or indirectly, 15-18 and 20-21 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the prior art rejections of claims 14-18 and 20-21 is also requested.

II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue in which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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